



*Our mission is to preserve, protect, and enhance Michigan's scenic resources.*

## Main Office

1100 N. Main Street  
Suite 102  
Ann Arbor, MI 48104  
231-753-8116  
info@scenicmichigan.org

## Board of Directors

**Jim Lagowski**  
President  
Elk Rapids

**Mary Lou Tanton**  
Vice President  
Petoskey

**Mark Harwood**  
Treasurer  
Birmingham

**Mel Matchett**  
Secretary  
Elk Rapids

**Pamela Frucci**  
Grosse Ile

**Larry Keisling**  
Troy

**Peter A. Letzmann**  
Kentwood

**Julie Metty Bennett**  
Lansing

**Erica Briggs**  
Executive Director  
Ann Arbor

734-355-3931  
erica@scenicmichigan.org

September 6, 2018

Dear Chairman Casperson and Members of Senate Transportation Committee,

Although Scenic Michigan is pleased to see a number of the concerning provisions in SB964 removed since the May 24<sup>th</sup> committee hearing, **we remained opposed to SB 964** which would further amend the Highway Advertising Act of 1972 (1972 PA 106).

Our primary concerns with the revisions in the substitute bill are:

- **The inclusion of language intended to benefit a narrow constituency.** The majority of amendments to the Act offered in SB 964 appear designed to meet the narrow interests and concerns of a very small constituency of outdoor advertisers. Rewrites of this type should not be considered sound public policy. Please recall the intent of Highway Advertising Act was to regulate outdoor advertising in order "improve and enhance scenic beauty" in Michigan. Any substantive amendments should help to further this intent.
- **Removal of the definition "annual permit" from the Act and replacement with the term "permit"** While this change may be intended to clean-up the Act, we are concerned this removal of this language *may* have the unintended consequence of providing a permit holder with a more permanent right, maybe even a vested right.

Scenic Michigan would have supported language originally included in the bill that would have increased penalties for "bad actors" and created a Highway Advertising Enforcement Fund which would help to fulfill one of the key recommendations (#4) of the 2015 Billboard Advisory Committee.

However, in general, Scenic Michigan strongly cautions the Transportation Committee from recommending further amendments to 1972 PA 106. This Act has been written, and rewritten, by committee. And as such, it is ambiguous and imprecise in its requirements and meaning. The entire Act should be revisited, not to change intended meaning or to serve a constituency, but to make it clear to all parties and to ensure it is not in conflict with the Supreme Court's 2015 ruling in Reed v. Town of Gilbert.

Sincerely,

Erica Briggs